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To: cdarling <cdarling@email.msn.com>
Date: Wednesday, May 06, 1998 10:43 AM
Subject: Principle 11 re-draft

From: David Yardas@EDF on 05/06/98 10:44 AM PDT

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Here's what I faxed to LK in Monterey this a.m. (same as yesterday's email)
 -- DY

5/5/98

Laura King:

Sorry I couldn't get back to you yesterday.

Here's my shot at a re-work on "re-use" of acquired environmental water. It preserves my overall view that the default for ecosystem funds should be direct and supplemental (above baseline) ecosystem benefits, broadly defined. In that context, issues of "practicability" would be dealt with on a case-by-case basis, pursuant to written findings (as described), and provided that appropriate compensation is forthcoming.

As to area of origin protections (or other existing "source water" limitations, e.g., "Delta protection" and "public trust"), I think these should be addressed separately ? perhaps in conjunction with the "right of first refusal" (principle 13), which also still needs work.

Let me know what you think, thanks.

--DY

11. All water acquired with environmental funds must reach and remain available throughout the targeted watershed and ecosystem. Diversion or export of acquired environmental water will only take place if (1) such water is surplus to baseline environmental supplies, (2) the Bay-Delta ecosystem manager issues written findings that the water proposed for diversion or export is not needed, in whole or in part, whether directly, indirectly, or cumulatively, in support of the timely and sustained attainment of Bay-Delta ecosystem restoration objectives, and (3) compensation is provided to the [ecosystem restoration account] for the total costs of acquiring and transferring any water diverted or exported pursuant to (1) and (2) above.

5/10/98